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U.S. DISTRICT COURT **EDNY**
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BROOKLYN OFFICE
ORDER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN SCHROEDER,

Plaintiff,

-against-

10-CV-2593 (NGG) (VVP)

THE CITY OF NEW YORK and the NEW YORK
CITY FIRE DEPARTMENT,

Defendants.

-----X
NICHOLAS G. GARAUFIS, United States District Judge.

On March 7, 2011, the court granted Plaintiff's motion to amend paragraphs 32-33 of his sworn affidavit, which was submitted to the court in support of his Opposition to Defendants' Motion to Dismiss. (Docket Entry # 18.) On March 15, 2011, Defendants filed a Motion for Reconsideration of this order or, in the alternative, an opportunity to file a new Reply in support of their Motion to Dismiss. (Docket Entry # 20.)

"[R]econsideration is an exceptional remedy and will generally be denied" Gayle v. Harry's Nurses Registry, Inc., No. 07-CV-4672 (NGG) (MDG), 2010 WL 5477727, at *3 (E.D.N.Y. Dec. 30, 2010). Courts narrowly construe and strictly apply the rules governing motions for reconsideration in order to avoid "repetitive arguments on issues that have already been considered fully by the court." Caleb & Co. v. E.I. Du Pont De Nemours & Co., 624 F. Supp. 747, 748 (S.D.N.Y. 1985). A motion for reconsideration will only be granted if the moving party can establish: "(1) that the court overlooked controlling decisions or data; (2) that there has been a change in controlling law; (3) that new evidence has become available; or (4) that reconsideration is necessary to correct a clear error or prevent manifest injustice." Hughes

v. McWilliams, No. 04-CV-7030 (KMW), 2009 WL 2971757, at *1 (S.D.N.Y. Sept. 16, 2009) (citing Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995)).

The court has fully considered the parties' positions, and Defendants have not established that reconsideration is necessary. Defendants' Motion for Reconsideration is therefore DENIED. Defendants' request to file a new Reply in light of the Plaintiff's amended affidavit is GRANTED. Defendants Reply dated January 10, 2011 (Docket Entry # 13) is stricken. Defendants shall file their Reply in support of their Motion to Dismiss and re-file the fully briefed motion no later than October 17, 2011.

SO ORDERED.

Dated: Brooklyn, New York
August 22, 2011

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS /
United States District Judge